<u>REMARKS</u>

In the **non-final** Office Action mailed December 9, 2010 the Office noted that claims 1-17 and 19-22 were pending and rejected claims 1-17 and 19-22. In this response no claims have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-17 and 19-22 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

<u>COMPACT PROSECUTION</u>

For purposes of compact prosecution the Applicants request that if the current rejection is maintained the Examiner rebut the arguments asserted below so that Applicants may have an opportunity to judge the Examiner's interpretation of the claims and references beyond that which is set forth in the rejection. The Applicants thank the Examiner for his help in this matter.

<u>REJECTIONS under 35 U.S.C. § 102</u>

Claims 1, 2, 6-8, 11-18, 20 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kawase, U.S. Patent No. 5,631,896. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

On pages 2 and 3 of the Office Action, it is asserted that Kawase Fig. 3 discloses "a configurable integrated circuit of said first unit is arranged to send a signal that signals a

need for the switch-over in real time based data communication to a configurable integrated circuit of the protection pair unit," as in claim 1.

Applicants acknowledge that block 53 in figure 3 of Kawase could reasonably be interpreted as a "first unit" recited in claim 1.

However, Applicants respectfully disagree that block 70 would perform or initiate the switch-over.

Block 70 in Kawase Fig. 3 does not perform or initiate the switch-over but instead block 70 is arranged to produce the signal S20 that indicates a temporal phase difference between the signal S1 received from the working path and the signal S11 received from the protection path. This phase-difference signal S20 is used for adjusting the temporal phases of the working path signal and the protection path signal to be so close to each other (blocks 54, 55, 64, 65 in Kawas Fig. 3) that a sufficiently undisturbed switch-over from the working path to the protecting path can be performed when a need arises.

In the technical solution disclosed in Kawase Fig. 3, block 75 is the element that performs the switch-over because this block controls, via the signal S21, a switching circuit 71 that is arranged to select either a phase-adjusted signal S4 carrying information received from the working path or a phase-adjusted signal S14 carrying information received from the protection path. Kawase col. 7, lines 58-62 state:

The correlation monitoring circuit 75 determines whether the switching between the working path and the protection path should be carried out on the basis of the control signals S7, S17, S8 and S18, and supplies the switching circuit 71 with a switching control signal S21.

Thus, Kawase does not teach that block 75 would be a "protecting pair unit" which, even according to its name, is capable of protecting (i.e. constituting a back-up for) another unit.

Hence, Kawase does not teach or disclose the features in which:

a) a data computing device comprises a first unit and a protection pair unit,

b) a configurable integrated circuit of said first unit is **arranged to send a signal that signals a need for the switch-over** in real time based data communication to a **configurable integrated circuit of the protection pair unit**,

c) **said configurable integrated circuit of said protection pair unit** is structured and arranged to **perform the switch-over** independently of a CPU, when the switch-over is needed.

Instead, in Kawase, both the first unit (unit on the working path) and the protection pair unit (unit on the protection path) send signals to an external entity (block 75) which is arranged to decide whether the switch-over is to be carried out.

For at least the reasons discussed above, claims 1, 13

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and 15 and the claims dependent therefrom are not anticipated by Kawase.

Further, the above-cited technical features a) and b) of the independent claims indicate that, in the claimed technical solution, the first unit of the data computing device sends to the protection pair unit of the said data computing device a signal indicating the need for the switch-over. This makes it possible that the **protection pair unit can (itself) perform the switch-over independently of a CPU**, when the switch-over is needed.

This is also recited in the independent claims – the feature c). Hence, in the claims, the signaling within the data computing device is arranged in a way that the protecting pair unit is made capable of itself carrying out the switch-over. Therefore, the switch-over can be fast which is especially important in conjunction with real time based data communication. Kawase does not teach this principle, but in the technical solution disclosed by Kawase, an external element (block 75) that collects information from both an element related to the working path (block 53) and from an element related to the protection path (block 63) is being used. Use of the external element requires time and thus increases the switch-over delay.

Hence, the independent claims of the present application involve an object and features separate and distinct than the prior art cited during the prosecution of the present

application.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 3-5, 9, 10 and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kawase in view of Shabtay, U.S. Patent No. 7,093,027. The Applicants respectfully disagree and traverse the rejection with an argument.

Shabtay does not include any teaching that would lead a skilled person to modify or further develop the signalling principles employed in the technical solution of Kawase so that the skilled person would (not only could but would) arrive at the technical solution defined in the independent claims of the present application.

Thus, Shabtay adds nothing to the deficiencies of Kawase as applied against the independent claims. Therefore, for at least the reasons discussed above, Kawase and Shabtay, taken separately or in combination, fail to render obvious claims 3-5, 9, 10 and 22.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 102 and 103. It is also submitted that claims 1-17 and 19-22 continue to be allowable.

It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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